

STAFF PERSON: Rebecca Ragsdale, Senior Planner
BOARD OF SUPERVISORS: September 13, 2017
AGENDA TITLE: Alternative Use of Belvedere Greenway Proffer Funds for Bridge and Critical Trail Access Development at Still Meadows

Staff recommends that the Belvedere greenway proffer funds be redirected from the proffered project areas that are not yet ready for greenway development and applied to more critical needs upstream of the proffered greenway at Belvedere. The proposed site is along the South Fork of the Rivanna River and upstream 350' from the Norfolk Southern railroad right-of-way to an unnamed creek and into the Still Meadow greenway property (TMP 046C0-00-00-000A1). Trail corridor work, including an engineering study, is needed to design the bridge to cross the unnamed creek and develop a trail, some of which will require boardwalks, to the railroad right-of-way. This will safely connect the future greenway at Belvedere to what is currently a landlocked section of County Greenway. This effort will complement another project currently underway where plans are being developed to acquire the necessary approvals and build a safe and sheltered route under the Norfolk Southern Rail Road Trestle.

Prior to expending proffered funds for an alternative improvement, a locality must make certain findings under Virginia Code § 15.2-2303.2(C):

Virginia Code § 15.2-2303.2(C)	Findings
(a) the improvements for which the cash payments were proffered cannot occur in a timely manner or the functional purpose for which the cash payment was made no longer exists;	The County proposes to use the proffer funds from Proffer 3.2 for other improvements because trail construction cannot occur within the 2-year timeframe required by the proffers. The County has not yet received the Belvedere greenway land dedication requirement of this proffer. Although it was requested in 2015, dedication was complicated by a declaration of restrictions and preservation easement the owner placed on the property with the Department of Environmental Quality and the Army Corps of Engineers. The owner has not resolved matters necessary to dedicate the greenway in a timely manner. A notice of zoning violation was issued on April 17, 2017 for this reason. The County proposes to use the funds received from Proffer 3.3 for a greenway bridge in an alternative location because the easement/dedication is not in place on <u>TMP 062F0-00-00-000A3</u> to complete the bridge project linking the greenway along the Rivanna River between Dunlora and River Run. Also, a bridge at TMP 046C0-00-00-000A1 is currently a higher priority project and a more critical greenway connection. Proffer funds from The Lofts at Meadow Creek will be set aside to ensure that funds are available to complete the Belvedere greenway segment once the land dedication is received and also set aside for the Dunlora and River Run bridge.

(b) the alternative improvements are within the vicinity of the proposed improvements for which the cash payments were proffered; and	The alternative improvements are along the same section of the South Fork of the Rivanna River and on a parcel immediately abutting the Belvedere greenway parcel to the north, approximately 500 feet from the Belvedere property line. The alternative bridge location is even closer to Belvedere than the original location between Dunlora and River Run, which is approximately a mile away from Belvedere. (See attached Map)
(c) the alternative improvements are in the public interest. Notwithstanding the provisions of the Virginia Public Procurement Act, the governing body may negotiate and award a contract without competition to an entity that is constructing road improvements pursuant to a proffered zoning condition or special exception condition in order to expand the scope of the road improvements by utilizing cash proffers of others or other available locally generated funds. The local governing body shall adopt a resolution stating the basis for awarding the construction contract to extend the scope of the road improvements. All road improvements to be included in the state primary or secondary system of highways must conform to the adopted standards of the Virginia Department of Transportation.	The alternative improvements will not only benefit Belvedere residents but also have a broader County-wide impact. The Still Meadow bridge and trail provides access to a very attractive and historically significant section of greenway along the South Fork of the Rivanna River that would serve more residents. This area can also be seen in more recent plans and studies including the North Town Trail, which is rated as a priority by the Neighborhood Improvements Funding Initiative.

RECOMMENDATION: Staff recommends that the Board adopt the resolution provided as Attachment D to authorize alternative use of funds. Once alternative use of the funds is approved, then staff will bring an appropriation to the Board in October.